

Docket No.: 22740-1A

PATENT

CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label#: EL886352627US
I hereby certify that this paper is being deposited with the
United States Postal Service "Express Mail Post Office to
Addressee" service under 37 CFR 1.10 on the date indicated
above and is addressed to: Box Patent Application,
Assistant Commissioner for Patents, Washington, DC 20231
on January 9, 2002.

Margie Greene
Margie Greene

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Geza Bruckner et al. : Paper No.
Serial No.: To be assigned : Group Art Unit:
Filed: : Examiner:
For: **DIETARY COMPOSITIONS (as amended herein)**

PRELIMINARY AMENDMENT

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

Prior to calculation of the filing fee and first action by the Examiner, please amend the present application as follows:

In the Title:

Please amend the title to read:

-- **DIETARY COMPOSITIONS**

In the Specification:

On page 1, following the title and the names of the inventors, please insert the following cross reference to the parent application:

--CROSS-REFERENCE TO RELATED APPLICATIONS

This is a division of U.S. Application Serial No. 09/512,577, filed February 24, 2000, which claims benefit under 35 USC §199 of U.S. Provisional Application Serial No.: 60/121,338 filed February 24, 1999.--

In the Claims:

Please cancel claims 1, 2, 5 and 9-28.

Please amend claims 3, 4 and 6-8 to read as follows:

3. (Amended) A dietary composition according to claim 29, wherein the phytoestrogen comprises an isoflavone, lignan, coumestan, resorcylic acid lactone, or mixtures thereof.

4. (Amended) A dietary composition according to claim 29, wherein the phytoestrogen or phytoandrogen is derived from soy bean or flax seed, or protein products thereof.

6. (Amended) A dietary composition according to claim 29, wherein the mammal food base comprises a food of animal origin, a food of plant origin, or mixtures thereof.

7. (Amended) A dietary composition according to claim 29, comprising from about 0.001 to about 10 weight percent, based on the weight of the composition, of phytoestrogen, phytoandrogen, or a mixture thereof.

8. (Amended) A dietary composition according to claim 29, wherein the phytoestrogen comprises daidzin, genistin, daidzein, genistein or coumesterol.

Please add the following claims:

--29. (NEW) A dietary composition comprising a mammal food base and a component comprising phytoestrogen, phytoandrogen or a mixture thereof in an amount sufficient to reduce weight gain normally incurred in the mammal type subsequent to neutering, castration, spaying, ovariectomy or ovariohysterectomy, or post menopause, when

the dietary composition is administered to a mammal on a regular basis, and at least one component selected from the group consisting of carnitine, inulin, conjugated linoleic acid and fructose oligosaccharide.--

--30. (NEW) A dietary composition according to claim 29, comprising phytoestrogen, phytoandrogen or a mixture thereof, and carnitine.--

--31. (NEW) A dietary composition according to claim 29, comprising phytoestrogen, phytoandrogen or a mixture thereof, and inulin.--

--32. (NEW) A dietary composition according to claim 29, comprising phytoestrogen, phytoandrogen or a mixture thereof, and conjugated linoleic acid.--

--33. (NEW) A dietary composition according to claim 29, comprising phytoestrogen, phytoandrogen or a mixture thereof, and fructose oligosaccharide.--

--34. (NEW) A dietary composition according to claim 29, wherein the mammal food base comprises a milk product.--

--35. (NEW) A dietary composition according to claim 29, wherein the mammal food base comprises a cereal, a starch, or a mixture thereof.--

--36. (NEW) A dietary composition according to claim 29, wherein the phytoestrogen comprises formononetin, genistin, daidzin, ononin, sissotrin, resveratrol or biochanin A.--

--37. (NEW) A dietary composition according to claim 29, comprising from about 0.01 to about 10 weight percent, based on the weight of the composition, of phytoestrogen, phytoandrogen, or a mixture thereof.--

--38. (NEW) A dietary composition comprising a mammal food base and a component comprising estrogen or androgen derived from a fungal or microbial source, or a mixture of estrogen or androgen derived from a fungal or microbial source, in an amount sufficient to reduce the weight gain normally incurred in the mammal types subsequent to neutering, castration, spaying, ovariectomy or ovariohysterectomy, or post menopause, when the dietary composition is administered to a mammal on a regular basis, and at least one component selected from the group consisting of carnitine, inulin, conjugated linoleic acid and fructose oligosaccharide.--

--39. (NEW) A dietary composition according to claim 38, comprising estrogen, androgen or a mixture thereof, and carnitine.--

--40. (NEW) A dietary composition according to claim 38, comprising estrogen, androgen or a mixture thereof, and inulin.--

--41. (NEW) A dietary composition according to claim 38, comprising estrogen, androgen or a mixture thereof, and conjugated linoleic acid.--

--42. (NEW) A dietary composition according to claim 38, comprising estrogen, androgen or a mixture thereof, and fructose oligosaccharide.--

--43. (NEW) A dietary composition according to claim 38, wherein the mammal food base comprises a food of animal origin, a food of plant origin, or mixtures thereof.--

--44. (NEW) A dietary composition according to claim 38, wherein the mammal food base comprises a milk product.--

--45. (NEW) A dietary composition according to claim 38, wherein the mammal food base comprises a cereal, a starch, or a mixture thereof.--

--46. (NEW) A dietary composition according to claim 38, comprising from about 0.001 to about 10 weight percent, based on the weight of the composition, of estrogen, androgen, or a mixture thereof.--

--47. (NEW) A dietary composition according to claim 38, comprising from about 0.01 to about 10 weight percent, based on the weight of the composition, of estrogen, androgen, or a mixture thereof.--

REMARKS

Claims 1, 2, 5 and 9-28 have been cancelled. Claims 3, 4 and 6-8 have been amended for matters of form and/or to change their dependency. Claim 6 has also been amended to incorporate limitations from the specification at page 5, lines 9-11. A version with markings showing changes made is attached. Claims 29-47 have been added. Claims 29-33 contain limitations from original claims 1 and 2 and from the specification at page 9, lines 4 and 8, and Tables 1-3 set forth at pages 11-13. Claims 34, 35 and 43-45 contain limitations from original claim 6 and from the specification at page 5, lines 9-12. Claim 36 contains limitations from the specification at page 4, lines 22-23. Claims 37, 46 and 47 contain limitations from original claim 7 and from the specification at page 6, lines 4-6. Claims 38-42 contain limitations from original claims 1 and 5 and from the specification at page 9, lines 4 and 8, and Tables 1-3 set forth at pages 11-13. Since these changes do not involve any introduction of new matter, entry is believed to be in order and is respectfully requested.

Respectfully submitted,

GEZA BRUCKNER ET AL.

By _____

Holly D. Kozlowski
Registration No. 30,468
Attorney for Applicant
DINSMORE & SHOHL LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8568

746320v1
22740-1

SERIAL NO. TO BE ASSIGNED

VERSION WITH MARKINGS SHOWING CHANGES MADE

The title is amended as follows:

DIETARY COMPOSITIONS [AND METHODS]

Claims 3, 4, 6-8 are amended as follows:

3. (Amended) A dietary composition according to claim 29 [2], wherein the phytoestrogen comprises an isoflavone, lignan, coumestan, resorcylic acid lactone, or mixtures thereof.

4. (Amended) A dietary composition according to claim 29 [2], wherein the phytoestrogen or phytoandrogen is derived from soy bean or flax seed, or protein products thereof.

6. (Amended) A dietary composition according to claim 29 [1], wherein the mammal food base comprises a food of animal origin, a food of plant origin [a cereal, a starch, other cellulosic material,] or mixtures thereof.

7. (Amended) A dietary composition according to claim 29 [1], comprising from about 0.001 to about 10 weight percent, based on the weight of the composition, of phytoestrogen, phytoandrogen, or a mixture thereof.

8. (Amended) A dietary composition according to claim 29 [1], wherein the phytoestrogen comprises daidzin, genistin, daidzein, genistein or coumesterol.